

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

ROMOLO CAPPELLO, et al.,
Defendants.

Case No. [21-cv-07590-AGT](#)

**ORDER GRANTING MOTION TO
DISMISS**

Re: Dkt. No. 12

Scott Johnson sued the owners of Fernando's Mexican Restaurant under the Americans with Disabilities Act and California's Unruh Act, alleging that he encountered accessibility barriers when he visited their restaurant. In a pending Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, defendants argue that (i) Johnson's ADA claim should be dismissed as moot because the alleged barriers have been removed, and (ii) the Court should decline to exercise supplemental jurisdiction over his Unruh Act claim. Dkt. 12. Johnson did not file an opposition to defendants' motion. Instead, he filed a "Notice of Indication of Mootness of ADA Claim for Injunctive Relief," in which he agrees that his ADA claim is moot because "the subject business has undergone full remediation to all barriers listed in [his] Complaint." Dkt. 14. Johnson did not respond to, much less oppose, defendants' arguments supporting dismissal of his Unruh Act claim.

Because Johnson agrees that defendants have remedied the alleged ADA violations, his ADA claim is dismissed as moot. His Unruh Act claim is also dismissed because the Court declines to exercise supplemental jurisdiction. *See Whitaker v. Alice & Olivia California Holdings LLC*, 2022 WL 1135088, at *1 (N.D. Cal. Apr. 18, 2022); *see also Arroyo v. Rosas*, 19 F.4th 1202, 1211–14 (9th Cir. 2021).

IT IS SO ORDERED.

Dated: September 3, 2022


ALEX G. TSE
United States Magistrate Judge